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SUBJECT Greaney/Adler Interview

MAURY POVICH: Unfortunately, the events in Grenada and Beirut over the last week have kind of dropped down to a lower level or a priority a reaction on, actually, a bill that was passed through the Senate about less than a week ago which put off until April of 1984 the restrictions involving censorship of government officials who have access to highly sensitive classified material from being able to use that in any kind of work or print, book, article, without first clearing it through the government. It was an executive order delivered by the President of the United States. It's the same one, by the way, that had something to do with lie detector tests for current government officials. We're not going to talk about that today. But this is people who want to write books, for instance, and they have knowledge of, documents of very highly -- of a highly sensitive nature. And what happened was that the Senate said, "Okay. We want to take a look at this." And so it's not going to go into being until April of 1984.

With us, John K. Greaney, the Executive Director of the Association of Former Intelligence Officers; Allan Adler, legal counsel for the Center for National Security Studies.

Mr. Greaney, you don't mind this, do you?

JOHN GREANEY: No, I'm very much in favor of it, because we, as an association of former intelligence officers, recognize the need for security. As a matter of fact, in the applications of our members we point out to them that they still have an obligation to protect those things that were classified which they learned during the course of their employment.

I would like to take one exception to the terms you used

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in describing it, and that is the word censorship. To me, the term censorship is a buzzword and is one that does not accurately portray what is being done with the prior-publication review.

POVICH: Well, let me ask you this. If you write an article, you submit it to government agencies for their review. Correct? They cut something, edit something out of that article that they feel is too highly sensitive and classified. That is not censorship?

GREANEY: Well, that is not the way it works, Maury. Because from my own experience, and confirmation from the Central Intelligence Agency, they established a Publications Review Board in 1977. And since that establishment, they have had 974 pieces of material submitted to them for review, 700 of which have been cleared without any deletions whatsoever, only 16 of which have been rejected in total, and the rest have been negotiated. It is not a cut-out. You don't cut out the paragraphs and things like that.

POVICH: Okay. With that as a background, what's wrong with the policy?

ALLAN ADLER: I think we would disagree with what John has said about the nature of the material that's deleted. It has been our experience in the past, in representing former CIA officials who have written articles and books...

POVICH: You represented Frank Snepp?

ADLER: Yes. Frank Snepp...

POVICH: Marchetti.

ADLER: ...Victor Marchetti, and a number of others.

Of course, there has been a dispute over the nature of the sensitivity of the information that's deleted.

But I think our problem with his really is at a threshold stage, before you reach the question of the deletion of information. And that is that I think in events that occur, like the situation in Grenada or in Beirut, the American public wants to hear from former government officials as quickly as they can their perspective on what this means in terms of...

POVICH: Could these two gentlemen be muzzled that we just talked to because they're former government officials who are obviously -- they saw highly classified material about lots of...

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ADLER: Well, certainly I think it's clear that had this little debate taken place in print -- for example, on the op-ed pages of the New York Times or the Washington Post -- that, yes, they both would have had to submit their remarks to agencies for clearance.

POVICH: Is the order that encompassing?

GREANEY: Well, it depends on the author himself, as to whether he is basing his report on the material that he gained while the employment of the United States Government. If he makes the decision -- the more prudent author will submit it for review. They have adopted a system where under close deadlines, where people are writing articles, as Alan suggests, for the op-ed page, they can turn them around very quickly. They have, as a matter of fact, turned around and approved articles within a matter of an hour.

POVICH: But what you're saying is that when you sign on for the government and when you sign on to receive highly sensitive material, you give up certain freedoms that a lot of us still have who are not part of government. Correct?

GREANEY: Well, I think I would like to phrase it this way: that when you sign a secrecy agreement, you are signing a contract. You have the freedom of choice. You do not have to work for the government. You do not have to work for...

POVICH: But the freedom of choice ends when you sign.

GREANEY: No. You just agree to abide by their rules. It's not -- you haven't lost anything. You just agree to comply with their rules.

ADLER: I think you certainly have lost something, because, of course, this complies -- this applies to an individual for the rest of his life after he's left government service.

POVICH: That's true. The order does say for the rest of your life.

ADLER: And more importantly...

POVICH: There's not a time limit on it.

ADLER: Right.

And I think that what's more important is what the public loses by being able to hear...

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POVICH: What do we lose?

ADLER: We lose the ability to hear from the experience of former government officials applied to current events as they unfold.

To give you a good example, this was an op-ed page of the Washington Post that followed the President's speech, which the media has called his Star Wars speech, concerning weapons...

POVICH: Outer space.

ADLER: ...in outer space. This is a situation where you have two former officials from the Carter Administration taking a position critical of the President's speech. You have a current Reagan Administration official at the same level essentially defending the policy in the President's speech. Had such an order been in effect at the time that the two Carter Administraiton officials were in office, the Reagan Administration official would probably have been able to review the comments of the two Carter Administration officials prior to publication; in fact, might have been able to argue that some of the information in both of their arguments was based upon classified information or derived from sensitive comparted information, and should therefore not be included in the op-ed piece.

GREANEY: Well, I would take issue with the fact that they would have given it to the writer to prepare his rebuttal article. You have to understand that the way the system works, you have people that are skilled in identifying that material which is classified. When an article is submitted for review, the elements are looked at from the components that would have responsibility for the classified information. They then go back to the author and say, "If you can rework this in a way that does not identify classified material, it goes ahead."

And I would still put forth the argument that it is not an element of removing criticism. It's not into the substantive matter. The only thing is to discuss -- discover that which is classified and protect the classified material.

POVICH: That's what you fear most, that things that might be critical of certain Administrations might be edited out.

And what you're saying is that's not the material that's edited out.

ADLER: I think that's part of what we fear. The other fear that we fear is that because of the time element involved, because of the number of individuals who would be involved in

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this -- the General Accounting Office recently testified at a congressional hearing that some 130,000 individuals in the government would have to sign this kind of agreement right now. If you consider, exponentially in a ten year period, how many individuals who reach that position in government where they have access to such information would have to sign such agreements, it's quite conceivable that ultimately millions of individuals will have to have their writings somehow monitored by the government in the future.

GREANEY: Well, I think that the escalation of the number of people that have filed reviews is limited by the restraints in the order to the fact that personal writings -- for example, if somebody tells you how to grow tomatoes, you don't submit that for review.

POVICH: Let me ask you this. It would be interesting. If the order was in effect, let's say -- let's go back a few years -- does that mean that Jimmy Carter would have to submit his memoirs, Henry Kissinger would have to submit his memoirs?

GREANEY: Yes.

ADLER: Well, interestingly...

POVICH: Now, that is intriguing. Because if that were the case, maybe a publisher would say, "We're not going to pay these guys a million dollars for these books, because they're not juicy enough. I mean they're not giving us anything we don't know."

ADLER: There may be a question about whether or not President Carter would have had to submit his book, because it's quite possible that elected government officials, as opposed to appointed government officials, might be excluded from this because they do not have to go through a security clearance process in order to obtain access to classified information. For example, members of Congress do not have to be cleared in order to obtain such information.

But in the case of Henry Kissinger, what was very interesting was that he in fact only submitted for clearance specific quotations from classified documents that...

POVICH: Oh, he did submit, because he signed...

ADLER: But only those -- no. Only those quotations that he sought to use in his memoirs from classified documents were cleared. He did not submit his entire manuscript.

POVICH: So he decided on the quotes to submit.

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ADLER: That's right.

POVICH: That's interesting.

GREANEY: Speaking of quotes, I'd like to make two quotes from the Agee passport case.

POVICH: Sure. Go right ahead, because we have to...

GREANEY: Because Alan worked on that.

POVICH: Is he still -- is Frank Agee still around?

GREANEY: Philip Agee.

POVICH: Or Philip Agee still around?

GREANEY: In Germany. But these were...

POVICH: It's years ago I interviewed him.

GREANEY: ...two quotes. One was, "It is obvious and unarguable that no government interest is more compelling than the security of the nation." That's out of the Aptheker case in 1956. And the second one was, "While the Constitution protects against invasion of individual rights, it is not a suicide pact."

POVICH: By the way, do you and many of the former CIA officers believe that Philip Agee was the cause of death to a lot of agents who he exposed?

GREANEY: Well, the only case where it was suspected...

POVICH: The one in Greece?

GREANEY: Dick Welsh in Greece.

And by the way, AFIO is not limited to CIA people. We have Army, Navy,...

POVICH: What is it, FBI and...

GREANEY: ...Air Force, State Department, NSA people.

POVICH: Defense Department. Intelligence people and everything.

GREANEY: The whole intelligence community.

POVICH: So we are now on hold until April. Hearings will be held. Correct?

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ADLER: That's right.

POVICH: So, public reaction can be sent to the appropriate committee.

What committee is going to hold those hearings, would you think?

ADLER: Well, the Senate Governmental Affairs Committee and the House Government Operations Committee have already held hearings. We expect there will be more.

As for public opinion, I think you could look at the editorial in today's New York Times as an example of what many people think about this system.

POVICH: You can understand how we, as journalists, get very skittish about things like this, don't you?

[Laughter]

POVICH: But then again...

GREANEY: My biggest concern with the journalists is that they distort the facts. And I really fight...

POVICH: Oh, okay. All right. Ohhh. Not that the government would distort the facts, right?

GREANEY: I can't speak for the entire government.

POVICH: Okay.

I thank you both very much, John Greaney, Executive Director of the Association of Former Intelligence Officers, and Allan Adler, legal counsel for the Center for National Security Studies.

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